

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

Civil Action No.
03 MDL 1570 (GBD) (FM)

This document applies to
Hoglan, et al. v. The Islamic Republic
of Iran, et al.
1:11-cv-07550-GBD

DECLARATION OF MARY ANN PINO

I, Mary Ann Pino, declare under penalty of perjury, pursuant to 28 U.S.C §1746, that the following is true and correct to the best of my knowledge, information and belief.

1. I am a resident of the State of New York, and a citizen of the United States of America. I am over the age of eighteen.
2. The information contained in this Declaration is true and is based upon my personal knowledge.
3. I present this Declaration to explain the nature of my relationship to Joseph D. Mistrulli, who was killed in the 9/11 terrorist attacks, and, in particular, to demonstrate that this relationship was the functional equivalent of a brother-sister sibling relationship.
4. Joseph D. Mistrulli ("Joe") was married to my sister, Philomena, so many would say that he was my "brother-in-law." However, Joe came into my life when I was young, only 14 years old, and he was, in every way I can imagine, truly my brother in fact for over 22 years of my life. He was, in every way, a member of my immediate family, for as long as I can remember. The loss of my "brother-in-fact" Joe on 9/11 and the impact it has had on our family is almost beyond comprehension.

5. Our lives together and all that we experienced embody the very essence of what it means to be a brother and sister. I was 14 when my sister Philomena and Joe were married. At that time, we lived in Brooklyn and the entire family was together every day as we all worked in the catering business that my Dad owned. Our evenings and weekends were always spent together, often getting ready for the events being catered. I can remember my nephew Joseph in the playpen in the kitchen as my brother Joe stocked the bar, cleaned the chickens, and helped with the events. When my brother Joe worked in the kitchen I would often be his little helper and that never changed into my adult years. I looked up to Joe my entire life and was always amazed by his courage, patient and determination.
6. Joe was 10 years my senior, so I often relied on him to provide me with guidance and he was more than happy to direct me like only a big brother could. Approximately two years after Joe and Philomena ("Phyllis") were married, the whole family all moved to Long Island. I would spend the next six years of my life living with Joe and the rest of my family in a split style home in Bellmore, New York. Joe, Phyllis and the kids would sleep in the three bedrooms downstairs and my brothers Michael and Jimmy, my sister Jennie and my Mom & Dad would sleep in three bedrooms upstairs. There were just two bathrooms, one kitchen, a living room, a den, and a dining room for a tribe of 10. It was an amazing journey and, while it was difficult at times, it strengthened our family bond and love for one another.
7. I came home from school every day to a full house, three little children running around, baths, meals, homework and chores. There was rarely any downtime. This was the norm. My brother Michael, my nephew Joseph, and my nieces Mary Ann and Angela kept us all very busy. You see, the children, who were biologically of different

generations, grew up as siblings. The center of our home was the kitchen and dining room. No matter when you walked through the front door there were always family members in the kitchen either standing near the counter or sitting at the table. It was the place where we discussed everything and anything. Joe and I spent many mornings and afternoons in that kitchen talking about the kids, my sister Phyllis, our daily schedules and life in general. Joe would be my sounding board and I would often ask for his advice on how to handle situations in the family kitchen. Whether it was how to deal with a problem in school or how to help the kids. He was famous for analyzing everything and would offer some pretty amazing responses. Joe's sense of humor was even more amazing. I remember one day he told me that there were two time zones in Nassau County. The Nassau County Time Zone and the Phyllis Time Zone. You see, whenever my sister Phyllis would say I'll be back in an hour it was usually two or three hours, hence "The Phyllis Time Zone."

8. The family enjoyed our Saturday breakfasts together. Joe was the cook, and he was king of the "shaped" pancakes. I am happy to see my nieces continuing this tradition with their children.
9. Joe worked in construction as did the rest of the men in my family and he would often come home exhausted but I saw so very many times that he would always have a smile on his face when he saw the children. Joe loved playing with the kids and would always have the latest toy to deliver, whether it was action figures, a building set, or cabbage patch kids. Joe, my brother Michael, my nephew Joseph, my niece Mary Ann and myself would often sit on the living room floor to play with the latest and greatest toys. Joe was so great with the kids. Years later, when I had my own son Anthony, he would continue the tradition of playtime.

10. Construction boots would line the entrance to the house and there would often be a coffee klatch discussing different jobs and projects.
11. Joe loved to cook for the whole family. He would spend hours making his sauce with meatballs and explain to me how important it was to let the sauce cook for hours. I did not come to know that sauce could actually be made in less than an hour until years later. When we were older and he came to my house for dinner I would often remind him of the fact that my sauce was made in under an hour. He would give me his famous grin and continue eating. I learned so much from Joe, as he was so patient and caring. He taught me so many things in my life, like how to load a dishwasher, how to properly clean a counter, how to sterilize baby bottles, how to put things together, how to compound a wall, how to cook, how to take care of infants, but, most of all, how to be patient. The one thing he could never teach me was not to be afraid of bees. I would always yell for my big brother Joe if a bee was around and he would come running. I will never forget the time my husband was at work and there was a bee in my house. I called my big brother Joe and he drove to my house and killed the bee. I miss him so much. I was so blessed to have such an incredible man to be exactly like an older brother to me.
12. After graduating college, I married my childhood sweetheart, Tony, that I had met when I was 15. The attached document with information from the Marriage Registry of our church, which I obtained from the church, shows that I resided at the same address as Joe and Phyllis on Pea Pod Road in Bellmore, NY, in that time frame. See Ex. A. This address will be confirmed by other family members' declarations.
13. Joe and my husband became quite the pair. They worked together when my dad had the business and were a perfect match. My grandfather use to call them Tyrone Power and Clark Gable. They shared a very close relationship and an incredible bond that would

grow stronger through the years. I would never imagine anything but a brother to be able to grow so close to the man I married, rather than a couple of "in-laws."

14. In 1990, Tony and I purchased a home which was a few blocks from our family home in Bellmore. Joe and Tony spent nights and weekends working on our house so we could move in. We often referred to the work they did as the "Labor of Love."
15. I will never forget the day I went into labor. Joe was just as excited as any blood brother would be. It was a production the entire family packed into cars and off we went to the hospital. When my son Anthony was born, we were living with everyone in Bellmore until the house was finished.
16. It was crazy and chaotic, but I would give anything to go back to that time in our lives. You see, Joe and Michael and my Mom, would all be alive, and most of my remaining family members would not be plagued with illnesses, all because of 9/11.
17. That same year, Phyllis and Joe purchased their home just a few blocks away. My house was done and now it was time to work on fixing their house. It was always a family affair. Our family had an extremely close bond and always helped one another. It was always about the family. My mother taught us to love unconditionally and to always stand together and that is exactly what we did.
18. Although Joe was much older than I, we shared a common bond and we were extremely close from the time I was 15 to the day he died. My sister Phyllis' illnesses and numerous hospitalizations during their marriage was one of the factors that contributed to our closeness. I had to help Joe get through some very difficult times. I would help him with the kids and the house when my sister was hospitalized as well as when she was home. I stood by his side every step of the way, including when my sister fell into a coma in 2000. Joe would share his deepest thoughts with me, and we truly loved one

another. My brother Joe was a proud man that would never ask for help but the truth is he never needed to ask because we were always there for one another. We were family and that was evident by the support, love, and commitment we had to one another through the years. We supported one another unconditionally – emotionally and financially and in every way – and we continue to do so. It was not just the holidays or special occasion. It was about the support and love we gave each other every day of every month of every year. We were there for one another in the good times and the bad times. We shared many wonderful years together, and we were truly blessed to have Joe in our lives. Some family photos from the events, and our daily lives as well, are attached to this Declaration. See Ex. B. These photos illustrate well that Joe was and integral part of our immediate family.

19. As I said, Joe was a carpenter and he worked his entire life to provide for his family. It was not an easy job and there were several times when he was out of work. I can recall one time that his layoff was about six months. It was devastating, so our family did everything we could to get them through this unfortunate event. Tony and I helped Joe out financially and paid their mortgage for many months.
20. Joe would often tell stories about the different jobs he worked on in the city. Joe was not just a carpenter, he was a master at his trade. He was a member of the Local 157 in NY and helped to build our beautiful city. He will always be remembered for his hard work and dedication to his profession.
21. Our baby brother, Michael, would grow up to follow in Joe's footsteps and become a carpenter. Through the years, Joe guided Michael very closely as they worked together side-by-side on many job sites. Michael was devastated by Joe's death. We had no idea that our youngest brother, Michael, would also be taken from us as a result of 9/11.

Michael was down at Ground Zero often and had worked around the site. In 2005, we received a call that our youngest brother was in Downstate Medical Center and was in critical condition. His lung was so damaged he had to go through 13 hours of surgery. Although he survived the surgery, he suffered for many years with physical and emotional pain that would be too much to bear. He never truly recovered from Joe's death, nor the surgery, and he lost his long hard battle with his illnesses in 2014. I am comforted in knowing Joe and Michael are building the Heavens together.

22. At the end of 1996, our Mom was diagnosed with a terminal illness. We all rallied around this remarkable woman who was the center of our universe. The years that followed would be a testament to our commitment to one another and all that she had taught us. We were truly blessed to have such a special person guide us in our lives. Most of our time during the five-year period of her illness was spent at the place we all called home. Joe showed tremendous strength during this period in our lives. He would often cook the Sunday dinners and was at my parents' house almost every day. We stood together and weathered the storm. All five of the grandchildren were with her daily and she embraced each one of them with love and tenderness. In February of 2001, she lost her battle. It was one of the most difficult times in our lives but we knew she was no longer suffering. A heavy burden was lifted from our hearts. In July of 2001, we started to plan a family trip, and we were coordinating it around a trip Joe was planning with Phyllis. So, it was all set we were going to Disney in October, the whole tribe.

23. On September 11, 2001, it all changed. Our lives were shattered into a million pieces. We would never be the same. We had so many plans and things to do, but it was not to be. Instead, we would spend the rest of our lives grieving for Joe; facing challenges and burdens that were beyond comprehension; tortured by nightmares of his horrific murder

and the events that followed; and struggling with never-ending illnesses that plague our family as a result of that day.

24. It was a clear sunny Tuesday morning and I was getting ready to go into the city for my conferral at the NYS Banking Department. I was extremely nervous and excited about starting my own business. It was about 8:50 a.m. when I put my little one, Matteo, in the car. I turned on the radio in the car and heard that a small plane had crashed into the Twin Towers. When I arrived at my in-law's house at around 8:55, I walked into the den and turned on the TV. What came into view was unimaginable! I knew Joe was working at "Windows On The World" in the Twin Towers. I immediately called my sister Phyllis to confirm Joe was home. He should have been off work by that time, but what I didn't know when I called her was that Joe had changed his hours that day and was not on his way home. I knew I needed to begin the conversation casually as not to upset her unnecessarily. Little did I know this was the beginning of a lifetime of unbearable pain and suffering that would engulf our entire family. I began the conversation asking her what she was doing, she responding she was getting ready for their trip ironing clothes. I asked her if Joe was home yet, she responded "Why?" I asked her if she heard from him, she responded "What is going on?" I told her a small plane had hit one of the towers but not to worry because Joe was probably on his way home. She turned on the TV and we continued talking. I knew I needed to keep her calm due to her fragile health. I asked her if my nephew Joseph was home, she responded that he is sleeping. I asked her to wake him up but before she had the opportunity the second plane hit the South Tower. Phyllis started to scream and dropped the phone. Seconds later, my nephew Joseph came to the phone. I asked for the number to Island Acoustics, which was Joe's employer, and I could hear her yelling "*Joe, where is Jimmy, Michael and Jennie? Oh, my God what is*

happening?” I immediately went into action mode. Using several phones at once, I reached out to Joe’s employer to get information on his whereabouts, while on hold with Island Acoustics, and I used the second phone to call my husband. As I was on one phone with my husband, on the second phone with Joe’s employer, and the third phone with my sister Phyllis, the Pentagon was hit. It was around 9:40 am. My sister kept dialing Joe from her cell phone to try and reach him, but that would never happen. I finally got word from Island that Joe was safe in a conference room on the 105th floor with about 50 people, waiting to be rescued. I relayed the information to Phyllis on the other phone. I took my two sons at Tony’s parents’ house, and headed back to my sister’s house. My husband left the office to be with our boys. My two brothers, Michael and Jimmy, insisted they needed to go in and find Joe. Phyllis, who was hysterical by this point, pleaded with them not to go. As I was on my way to Phyllis, my other sister Jennie was waiting for her orders. Jennie worked for the city and was called in the city soon after the attacks. I asked her not to go, but it was her duty as a public servant. She is truly an amazing woman, fearless and resilient. I am so very proud of her courage and bravery. We had no idea of the price she would pay for her heroic acts years later. My sister Jennie worked at Ground Zero and is extremely ill. My biggest fear is we will lose yet another family member because of that horrific day.

25. On 9/11, our world was changed forever. That day of death and destruction remains forever in my memory, and I am haunted by knowing that my dear brother Joe was on the 105th floor of the North Tower waiting to be rescued. Joe was afraid of heights, but despite that fact he went to work at the tallest building in NYC to support his family. I want his children to remember that his character, achievements, courage, and ability to overcome the challenges he experienced in his life made him a hero, not a single act.

That morning and years that followed were beyond what anyone could comprehend. Our lives were thrown into unbelievable turmoil and grief. The phone calls, the search, the vigils, the memorials, the unbearable pain and suffering, the questions that will never be answered, the hospitalizations and illnesses, and the struggle to keep the faith.

26. I can recall my son Anthony, who was 12 at the time, telling me on the phone how he knew Uncle Joey was alive in the basement of the towers and he was going to be rescued; spending hours dealing with law enforcement in an effort to locate Joe; providing physical descriptions of Joe to numerous agencies, searching for his comb and toothbrush for DNA samples; my sister being hospitalized from shock and exhaustion; trying to get my oldest niece, who was stationed in Japan with her husband, back home, knowing that her Dad was gone, yet not being able to let her lose hope; trying to coordinate the never-ending meetings; being away from my two children for weeks as I helped my sister with the search efforts; my other sister being down at the site every day working; my baby brother, Michael, who has since passed, going through major lung surgery after working at the Ground Zero site; my two sons being labeled in our school district as 9/11 victims family and my sister; her children and other family members having illnesses as a result of that day which continue 15 years later. As I stated earlier, no one can ever comprehend the pain and suffering our family has gone through as a result of that day.
27. In October of 2001, I wrote and delivered my brother Joe's eulogy at O'Shea's Funeral Home in Wantagh with his picture displayed on a column. The emotional pain and suffering I felt over 15 years ago is the same today.
28. Two years after 9/11, we had a ceremony and buried Joe's remains, which consisted of a three-and-a-half inch bone fragment. This time we had a traditional Catholic ceremony and my brothers, Michael and Jimmy, my husband Tony, my nephew Joseph, and Joe's

brother Frankie carried Joe's coffin into our family's church, St Barnabas. As we walked him down the aisle to the altar, I remembered how he walked with us there, and elsewhere, so many times in our lives, and everything we shared together. Recently we received more fragments.

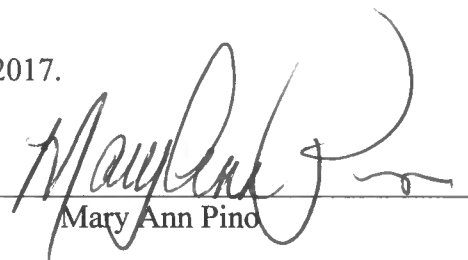
29. This ordeal never ends. The casualties from that horrific event were not only those that died that day, but also the family members that were left behind. I have spent the last 15 years helping my family deal with the aftermath of 9/11 and the serious illnesses that have plagued our family because of that horrific day. We never had the opportunity to heal or move beyond that day. Every year on September 11th, we watch the Towers come down and we live that day all over again. We try to focus on his life, but it is overshadowed by the world's emphasis on his death. We do not get the opportunity to move forward as we are constantly brought back to that day every year.
30. My "brother-in-fact," Joseph D. Mistrulli, was an incredible individual who guided his family in all that they did and everything they were. I was fortunate to call him my brother for 22 years of my life. He cared deeply about his children, my sister and our entire family. I have found memories of the wonderful life he lived, and I was blessed to have shared 22 years of my life with him. I can recall the pride he showed when his son received highest honors when graduating high school, the joy of dancing with his daughter Mary Ann on her wedding day and dancing with his daughter Angela on her Sweet 16 birthday; the holiday turkeys only he could make; the birthdays; the barbeques; the breakfasts. Joe's patience and calm; the summer days by the pool; the vacations; his talent to build a wall like no other; his compassion; his ability to bring order to chaos; but most of all the love, strength and devotion he had for my sister, his three children, for me and my husband, my children, our mother – the entire family. He taught us all so very

much including my children. He was an incredible brother!!

31. Over the past 15 years, my husband, Tony, my brothers, Jimmy & Michael, my sister, Jennie, and myself have had to carry the torch on behalf of our brother Joe. We have had to light the way for our sister Phyllis, our nieces, Angela and Mary Ann, our nephew, Joseph, and their children while dealing with our own pain and suffering. I pray to God every day to give us strength!
32. Writing this declaration was one of the most difficult things I have ever been asked to do, but I know brother Joe would want me to make this statement of the lives we shared as brothers and sisters. "Functional equivalent" of a brother and sister – it seems like such a dry phrase, but I suppose it fits perfectly our relationship. I was truly blessed to have Joseph D. Mistrulli as my brother for 22 years of my life and he will remain forever in my heart.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing declaration is true and correct to the best of my knowledge, information and belief.

EXECUTED this 5th day of May, 2017.


Mary Ann Pina